

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF IOWA  
WESTERN DIVISION

UNITED STATES OF AMERICA,	)	
	)	
Plaintiff,	)	No. CR17-4050-LTS
	)	
vs.	)	
	)	
JAMES NHAN,	)	
	)	
Defendant.	)	

**GOVERNMENT'S SENTENCING MEMORANDUM**

**I. WITNESSES**

The government does not intend to call any witnesses.

**II. EXHIBITS**

The government does not intend to submit any exhibits.

**III. INTRODUCTION**

Defendant pled guilty to one count of a four-count indictment, filed on August 23, 2017. Count 1 charged defendant with manufacturing anabolic steroids, in violation of 21 U.S.C. §§ 841(a)(1) and 841(b)(1)(E). (PSR ¶ 1). The charge carries a maximum sentence of ten years' imprisonment. (PSR ¶ 46).

Due to defendant's involvement with 5,514.32 units of anabolic steroids, U.S. Probation scored defendant's base level at 12. (PSR ¶ 13). With a two-level reduction for acceptance of responsibility, defendant's total offense level is 10. (PSR ¶ 21). Due to his lack of a criminal history, defendant has zero criminal history points, thereby establishing a criminal history category of I. (PSR ¶ 26).

This results in defendant's advisory sentencing guideline range being 6 to 12 months' imprisonment. (PSR ¶ 47). The parties entered into an 11(c)(1)(C) plea agreement in which defendant would receive a term of probation on the condition that he serve two consecutive weeks in jail to be completed within a year of this Court accepting the plea agreement.

#### **IV. Nature of the Offense**

On December 15, 2015, law enforcement executed a search warrant on defendant's residence and seized numerous vials containing suspected anabolic steroids; equipment used to manufacture anabolic steroids; packing material; labels; sheets of papers with the names, address, Bitcoin payment amounts, and quantities of substances in milligrams and milliliters; and steroid tests. (PSR ¶ 5). The items seized contained the following:

- 20.8 mL of nandrolone decanoate
- 49.6 mL of testosterone
- 32.6 mL of testosterone undecanoate
- 13.1 mL of trenbolone acetate
- 10.3 mL of testosterone propionate
- 994.5 mL of testosterone enanthate
- 761.9 grams of testosterone enanthate
- 14.36 grams of oxandrolone
- 636 mL of oxandrolone
- 149.2 grams of mesterolone
- 0.8 grams of methandrostenolone
- 74 mL of methandrostenolone

(PSR ¶ 5). That same day, law enforcement interviewed defendant, who claimed the anabolic steroids were lubricants for his computer's cooling system. (PSR ¶ 6).

Defendant recanted this statement and admitted to using anabolic steroids for three months. (PSR ¶ 6). In spite of the significant quantity, defendant claimed that this was a “lifetime supply.” (PSR ¶ 6).

In January 2016, law enforcement conducted a subsequent interview with defendant. (PSR ¶ 7). Defendant admitted to manufacturing anabolic steroids and explained the process by which he did so. (PSR ¶ 7). Defendant admitted to ordering anabolic steroids from China through the “dark web.” (PSR ¶ 7).

Defendant now admits that he possessed the anabolic steroids with the intent to distribute them. (PSR ¶ 8).

## V. CONCLUSION

The government respectfully recommends that the Court accept the Rule 11(c)(1)(C) plea agreement.

Respectfully submitted,

PETER E. DEEGAN, JR.  
United States Attorney

By: */s/ Ajay J. Alexander*

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### CERTIFICATE OF SERVICE

I certify that I electronically served a copy of the foregoing document to which this certificate is attached to the parties or attorneys of record, shown below, on February 7, 2018.

UNITED STATES ATTORNEY

BY: s/ Ajay Alexander

COPIES TO: Brad Hansen